

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for C. Joel Blumstein
Name of Case Attorney

6/11/08
Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number CWA-01-2008-0022

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Murray Oil Co., Inc.
Route 4
Maine

Total Dollar Amount of Receivable \$ 3,000 Due Date: _____

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1st \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED
2008 JUN 10 P 4:03

June 10, 2008

BY HAND

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
1 Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

Re: In the Matter of Murray Oil Co., Inc., Docket No. CWA-01-2008-0022

Dear Ms. Santiago,

Enclosed for filing, please find a Consent Agreement and Final Order (CAFO) settling the matter referenced above.

Pursuant to EPA Order Classification No.: 2551.1A dated June 7, 2006, the Regional Hearing Clerk (RHC) shall send a copy of the CAFO in any Clean Water Act (CWA) case assessing a penalty under the authority of Section 311 of the CWA to:

U.S EPA
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268

In addition, the RHC must pass along the name and address of the regional attorney responsible for any collection recommendation if the civil debt becomes delinquent. For this case, the responsible attorney is:

Tonia Bandrowicz
Senior Enforcement Counsel
EPA Region 1
1 Congress St., Suite 1100 (SEL)
Boston, MA 02114-2023
Tel: 617-918-1734

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Diane Boisclair". The signature is written in black ink and is positioned above the printed name.

Diane Boisclair
Water Technical Unit

Enclosure

cc: Jonathan Murray, Murray Oil Co., Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1, One Congress Street, Boston, Massachusetts 02114-2023
EXPEDITED SPCC SETTLEMENT AGREEMENT

COPY
FILED



DOCKET NO. CWA-01-2008-0022

On January 11, 2007 at Murray Oil Co., Inc., (Respondent) located at Route 4, Turner, Maine, an authorized representative of the United States Environmental Protection Agency (EPA) conducted an inspection to determine compliance with the Oil Pollution Prevention regulations promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act (the Act), 33 U.S.C. § 1321(j), and found that Respondent had violated regulations implementing Section 311(j) of the Act by failing to comply with the Oil Pollution Prevention regulations as noted on the attached Spill Prevention Control and Countermeasure Plan (SPCC) Inspection Findings and Alleged Violations Form (Violation Form) which is hereby incorporated by reference. By its first signature below, EPA ratifies the Inspection Findings and Alleged Violations set forth in the Violation Form.

The parties enter into this Expedited Settlement in order to settle the civil violations described in the Violation Form for a penalty of \$3,000. The parties are authorized to enter into this Expedited Settlement under the authority of Section 311(b) (6) (B) (i) of the Act, 33 U.S.C. § 1321(b) (6) (B) (i), and by 40 CFR § 22.13(b).

This settlement is subject to the following terms and conditions:

EPA finds the Respondent is subject to the Oil Pollution Prevention regulations, and has violated the regulations as further described in the Violation Form. Respondent admits it is subject to the Oil Pollution Prevention regulations and that EPA has jurisdiction over Respondent and Respondent's conduct as described in the Violation Form. Respondent does not contest the Inspection Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above.

Respondent further certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations identified in the Violation Form have been corrected and the facility is now in full compliance with the Oil Pollution Prevention regulations (or that the violations will be corrected and the facility brought in full compliance with the Oil Pollution Prevention regulations within an alternative time frame agreed to by EPA in writing); and (2) Respondent has sent a certified check to EPA in the amount of \$3,000, payable to the Environmental Protection Agency. Respondent shall send the check to: U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, Missouri 63197-9000. Respondent shall send a copy of the check to Diane Boisclair, U.S. Environmental Protection Agency, Region 1, One Congress Street, Boston, Massachusetts 02114-2023.

The check should reference the docket number of the case and the "Oil Spill Liability Trust Fund - 311".

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

This Expedited Settlement is binding on the parties signing below, and is effective upon signature by the Regional Judicial Officer, the third signature below.

Once the Expedited Settlement is signed by the Regional Judicial Officer, the original Expedited Settlement will be filed with the Regional Hearing Clerk and a copy will be mailed to: U.S. EPA Cincinnati Finance Office, 26 W. Martin Luther King Drive (MS-002), Cincinnati, OH 45268. A copy of the Expedited Settlement will also be mailed to the Respondent.

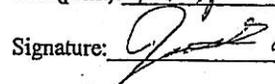
If Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Violation Form.

After this Expedited Settlement becomes effective, EPA will take no further action against Respondent for the violations of the Oil Pollution Prevention regulations described in the Violation Form through the order date of this Expedited Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Oil Pollution Prevention regulations or of any other federal statute or regulations.

APPROVED BY EPA:

 Date: 11/29/07
Joel Blumstein
Enforcement Manager
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name(print): Jonathan Murray
Title(print): Transportation Mgr.
Signature:  Date: 5/30/08

Estimated cost of correcting violations and preparing SPCC Plan (to be filled in by respondent) _____

IT IS SO ORDERED:

 Date: 6/9/08
Jill T. Metcalf
Acting Regional Judicial Officer

mailed 6/30/08

In the Matter of Murray Oil Co., Inc.
EPA Docket No. CWA-01-2008-0022

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement was transmitted to the following persons, in the manner specified, on the date below:

Original and one copy
hand-delivered:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street
Boston, MA 02114-2023

Copy by certified mail,
return receipt requested:

Jonathan Murray
Murray Oil Co., Inc.
84 General Turner Hill Road
Turner, ME 04282

Dated: 5-10-08



Diane Boisclair
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEW)
Boston, MA 02114-2023
Phone: (617) 918-1762
Fax: (617) 918-0762



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NEW ENGLAND OFFICE
One Congress Street, Suite 1100 (SEW)
Boston, Massachusetts 02114-2023

DELIVERED BY HAND

June 10, 2008

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, MA 02114-2023

RECEIVED
2008 JUN 10 P 4: 02

WR
HEARING CLERK

Re: In the Matter of: Chestnut Farms Development Corporation
CWA-01-2008-0002

Dear Ms. Santiago:

In accordance with 40 C.F.R. § 22.13(b), enclosed please find a partially-executed Consent Agreement and Final Order that will simultaneously commence and settle the above-referenced action. The Consent Agreement has been signed by the parties but the Final Order has not been yet approved by the Regional Judicial Officer due to the public notice requirements of the Clean Water Act and 40 C.F.R. § 22.45.

This partially-executed Consent Agreement and Final Order is being filed in the event that you receive requests seeking copies of this document in response to the public notice. The notice will announce a thirty (30) day public comment period regarding the proposed settlement. The original of the proposed Consent Agreement and Final Order will be maintained in my personal files until the public notice period expires. Following the close of the comment period, the original will be submitted to the Regional Judicial Officer for approval. In accordance with 40 C.F.R. 22.45(c)(3), the fully executed document will not be filed before 10 days after the close of the comment period.

Sincerely,


Andrew Spejewski
Environmental Specialist

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: June 10, 2008

Public Notice Number: PN2008-0009

Comment Period: June 11, 2008 – July 10, 2008

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class I proceedings under Section 309(g)(2)(A), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$10,000 per violation per day for each day during which the violation continues, up to a maximum of \$25,000. Pursuant to 40 C.F.R. Part 19 (Adjustments of Civil Penalties for Inflation) promulgated pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring between January 31, 1997 and March 14, 2004, up to \$11,000 per violation per day for each day during which the violation continues, up to a maximum of \$27,500; and, for violations occurring on or after March 15, 2004, up to \$11,000 per violation per day for each day during which the violation continues, up to a maximum of \$32,500. Proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," at 40 C.F.R. Part 22 ("Part 22").

the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. §22.45(b) and (c).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1, One Congress Street, Suite 1100 (SEW)
Boston, Massachusetts 02114-2023

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-01-2008-0002

Chestnut Farms Development Corporation ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Chestnut Farms Development Corporation, Docket No. CWA-01-2008-0002, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, and/or failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

This Agreement is binding on the parties signing below and effective thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

APPROVED BY EPA:

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$3,350. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Susan Studlien Date: 06/06/08
Susan Studlien
Director
Office of Environmental Stewardship

APPROVED BY RESPONDENT:

Name (print): MICHAEL O'MALLIEV
Title (print): PRES
Signature: [Signature] Date: 5/10/08

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,

Within 10 days of the effective date of this Agreement, Respondent shall submit a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: U.S. EPA, In the Matter of:

IT IS SO ORDERED:

LeAnn Jensen Date:
Acting Regional Judicial Officer

**Expedited Settlement Offer Worksheet
Deficiencies Form**

Consult instructions regarding eligibility criteria
and procedures prior to use

version 10.3.4



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	Michael O'Malley Chestnut Farms Development Corp 269 Mechanic St Marlborough, MA 01752		
LOCATION AND ADDRESS OF SITE		Inspector Name:	Andrew Spejewski
		Inspector Agency:	US EPA
2		Entrance Interview Conducted:	
		Exit Interview Conducted:	Yes
		Exit Interview given to:	Kevin O'Malley
		Exit Interview time:	13:45 Date: 08/16/2007

FACILITY DESCRIPTION / CONTACT NAMES	
Name of Site Contact (ESO Worksheet recipient):	Michael O'Malley
Name of Authorized Official (40 CFR 122.22):	Michael O'Malley
Inspection Date:	08/16/2007
Start Construction Date:	06/01/2004
Estimated Completion Construction Date:	
If Unpermitted, Number of Months Unpermitted:	
Name of Receiving Water Body (Indicate whether 303(d) listed):	Assabet River (via municipal storm drains)
Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	4.00 4.00
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3 Operator unpermitted for ___ months (# months unpermitted equals number of violations)	NOI in place	CWA 301		X	\$500.00 =	
SWPPP REVIEW						
4 SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)	SWPPP is only engineering diagram	CGP 3.1.A			\$5,000.00 =	
5 SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A		X	\$75.00 =	
6 SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B			\$250.00 =	
7 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A			\$500.00 =	
8 SWPPP does not have site description, as follows:						
A Nature of activity in description		CGP 3.3.B.1			\$100.00 =	
B Intended sequence of major activities		CGP 3.3.B.2			\$100.00 =	
C Total disturbed acreage		CGP 3.3.B.3			\$100.00 =	
D General location map		CGP 3.3.B.4		1	\$100.00 =	\$100
E Site map		CGP 3.3.C			\$500.00 =	
F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8		X	\$50.00 =	
G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D			\$500.00 =	
9 SWPPP does not:						
A Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A			\$750.00 =	

	B	Describe sequence for implementation	CGP 3.4.A			\$250.00	=	
	C	Detail operator(s) responsible for implementation	CGP 3.4.A			\$250.00	=	
10		SWPPP does not describe interim stabilization practices	CGP 3.4.B			\$250.00	=	
11		SWPPP does not describe permanent stabilization practices	CGP 3.4.B			\$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices	CGP 3.4.B			\$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)	CGP 3.4.C.1-3	1	X	\$250.00	=	\$250
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas	CGP 3.4.D			\$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed	CGP 3.4.E			\$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit	CGP 3.4.F			\$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust	CGP 3.4.G			\$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials	CGP 3.4.H			\$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials	CGP 3.4.I			\$500.00	=	
20		SWPPP does not identify allowable sources of non storm water discharges listed in subpart 1.3.B of the CGP	CGP 3.5			\$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	CGP 3.5			\$500.00	=	
22		Endangered Species Act documentation is not in SWPPP	CGP 3.7			\$500.00	=	
23		Historic Properties (Reserved)						
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)	CGP 3.8	2	X	\$250.00	=	\$500
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)	CGP 3.9			\$750.00	=	
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans	CGP 3.9			\$250.00	=	
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates	CGP 3.10.G	1		\$500.00	=	\$500
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)	CGP 3.11.C		X	\$50.00	=	
29		Copy of SWPPP not retained on site	CGP 3.12.A			\$500.00	=	
		A SWPPP not made available upon request	CGP 3.12.C			\$500.00	=	
30		SWPPP not signed/certified	CGP 3.12.D	1		\$500.00	=	\$500
Subtotal SWPPP Deficiencies								\$1,850

INSPECTIONS									
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B			X	\$250.00	=	
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
	Number of Inspections expected if performed every 7 days:	167							
	Number of Inspections expected if performed bi-weekly:	83							
	If known, number of days of rainfall of >0.5"								
32	Inspections not conducted by qualified personnel		CGP 3.10.D				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				\$50.00	=	
35	Discharge locations are not observed and inspected		CGP 3.10.E.				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to sign/certify as 1 violation)		CGP 3.10.G			X	\$50.00	=	
									5 \$0

AVAILABILITY OF RECORDS									
40	Sign/notice not posted		CGP 3.12.B				\$250.00	=	
A	Does not contain copy of complete NOI		CGP 3.12.B				\$50.00	=	
B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				\$50.00	=	
Subtotal Records Deficiencies									\$0

BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				\$500.00	=	
42	Control measures are not properly:	No stone exit pad at east of site, allowing sediment to track onto road; one catchbasin unprotected by filter fabric; filter fence poorly maintained during previous drive-through inspection							
A	Selected, installed and maintained		CGP 3.13.A		3		\$500.00	=	\$1,500
B	Maintenance not performed prior to next anticipated storm event (count each failure to select, install, maintain each BMP as one violation)		CGP 3.6.B				\$250.00	=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				\$500.00	=	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				\$500.00	=	

45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D			\$500.00	=		
	*Exceptions:								
	(a) Snow or frozen ground conditions								
	(b) Activities will be resumed within 14 days								
	(c) Arid or Semi-arid areas (<20 inches per								
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1			\$1,000.00	=		
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2			\$1,000.00	=		
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.6.C			\$500.00	=		
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		CGP 3.13.E.3			\$500.00	=		
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C		X	\$500.00	=		
Subtotal BMP Deficiencies									\$1,500

SMALL BUSINESS EVALUATION

48	Is the Owner/Operator a Small Business?							
	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.							

Total Expedited Settlement: \$3,350

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

In the Matter of: Chestnut Farms Development Corporation

Name and Mailing Address of Respondent:

Chestnut Farms Development Corporation
269 Mechanic Street
Marlborough, MA 01752

Name and Address of Facility or Site Addressed by Complaint:

Judith Road
Hudson, MA

Description of Business or Activity Conducted by the Respondent:

Residential Development

Description of Violations Alleged in Complaint: Failure to develop a complete storm water pollution prevention plan, and failure to completely implement required site controls.

Proposed Settlement Penalty: \$3,350

Name of Case: In the Matter of: Chestnut Farms Development Corporation

Docket Number: CWA-01-2008-0002

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street - Suite 1100, Mail Code RAA
Boston, Massachusetts 02203
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint or other documents filed by the parties in this proceeding, comment upon



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NEW ENGLAND OFFICE
One Congress Street, Suite 1100 (SEW)
Boston, Massachusetts 02114-2023

Martin Suuberg, Regional Director
Massachusetts Department of Environmental Protection
627 Main Street
Worcester, Massachusetts 01608
Main Phone: 508-792-7650

Re: In the Matter of: Chestnut Farms Development Corporation
Docket Number : CWA-01-2008-0002

Dear Mr. Suuberg:

Enclosed is a copy of an Expedited Storm Water Settlement Agreement (the "Agreement") between Chestnut Farms Development Corporation, owner and operator of the construction activity at the Lauren Heights development in Hudson, Massachusetts, and the Environmental Protection Agency - Region I. This Agreement will simultaneously commence and conclude this action. Following a public notice period, the Agreement will be forwarded to the Regional Judicial Officer for signature. Under the terms of the Agreement, Chestnut Farms will pay a penalty of \$3,350 for violations of the federal construction storm water permitting program at the Lauren Heights site.

If you or your staff wish to confer further on this matter or have any additional comments or questions, please call Andrew Spejewski of the Water Technical Section at (617) 918-1014.

Sincerely,

A handwritten signature in black ink that reads "Denny Dart".

Denny Dart, Chief
Water Technical Unit

Enclosure